

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-2044-AIR-E TCEQ ID: RN100216035 CASE NO.: 35140
RESPONDENT NAME: E. I. du Pont de Nemours and Company

Page 1 of 3

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: DuPont Beaumont Works Industrial Park, 5470 North Twin City Highway, Nederland, Jefferson County</p> <p>TYPE OF OPERATION: Chemical plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on June 2, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Aaron Houston, Enforcement Division, Enforcement Team 5, MC R-10, (409) 899-8784; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Ms. Connie Hargraves, S.H.E. Manager, E. I. du Pont de Nemours and Company, P.O. Box 3269, Beaumont, Texas 77704 Mr. Thomas C. Davis, Unit Plant Manager, E. I. du Pont de Nemours and Company, P.O. Box 3269, Beaumont, Texas 77704 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: November 5, 2007</p> <p>Date of NOV/NOE Relating to this Case: December 14, 2007 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>AIR</p> <p>1) Failed to maintain minimum water flow rate to scrubber ACR/ABS61. The required operating water flow was determined to be 2,440 pounds per hour ("lbs/hr"). From April 24, 2005 through July 22, 2005, water flow to scrubber fell below the required operating parameter of 2,440 lbs/hr for 103 hours, and from October 14, 2005 through November 16, 2005 for 7 hours [30 TEX. ADMIN. CODE §§ 113.120, 115.112(a)(1), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CODE OF FEDERAL REGULATIONS ("CFR") § 63.120(d)(5), and Federal Operating Permit ("FOP") O-01960, General Terms and Conditions ("GTC"), Special Conditions ("SC") 1A, 1E, 4, and 19, New Source Review ("NSR") Permit 1743, SC 2, and 10].</p> <p>2) Failed to maintain minimum water flow rate to scrubber ACR/ABS156. The required operating water flow was determined to be 9,026 lbs/hr. From July 2 through July 22, 2005, water flow to scrubber fell below the required operating parameter of 9,026 lbs/hr for 24 hours, and from October 15, 2005 through November 17, 2005, for 6 hours [30 TEX. ADMIN. CODE §§ 113.120, 115.112(a)(1), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CFR § 63.120(d)(5), and FOP O-01960, GTC, SC 1A, 1E, 4, and 19, NSR Permit 1743, SC 2, and 10].</p>	<p>Total Assessed: \$30,625</p> <p>Total Deferred: \$6,125 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$24,500</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent transferred operational control of the Plant to Lucite International, Inc. on December 1, 2005, and ownership of the Plant to Lucite International, Inc. on March 30, 2007.</p>

<p>3) Failed to maintain minimum water flow rate to scrubber ACR/ABS159. The required operating water flow was determined to be 1,302 lbs/hr. From July 19 through July 20, 2005, water flow to scrubber fell below the required operating parameter of 1,302 lbs/hr for 2 hours, and from October 13 through October 14, 2005, for 4 hours [30 TEX. ADMIN. CODE §§ 113.120, 115.112(a)(1), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CFR § 63.120(d)(5), and FOP O-01960, GTC, SC 1A, 1E, 4, and 19, NSR Permit 1743, SC 2, and 10].</p> <p>4) Failed to maintain minimum water flow rate to scrubber ACR/ABS216. The required operating water flow was determined to be 2,000 lbs/hr. From July 18 through July 19, 2005, water flow to scrubber fell below the required operating parameter of 2,000 lbs/hr for 11 hours [30 TEX. ADMIN. CODE §§ 113.120, 115.112(a)(1), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CFR § 63.120(d)(5), and FOP O-01960, GTC, SC 1A, 1E, 4, and 19, NSR Permit 1743, SC 2, and 10].</p> <p>5) Failed to submit a semi-annual deviation report for the period of September 22, 2005 through October 10, 2005 within 30 days after the end of the reporting period [30 TEX. ADMIN. CODE §§ 122.143(4), and 122.145(2)(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP O-01950, GTC, and SC 2F].</p>		
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Additional ID No(s):: JE0033C



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision November 6, 2007

DATES	Assigned	17-Dec-2007	Screening	20-Dec-2007	EPA Due	14-Oct-2008
	PCW	7-Jan-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	E. I. du Pont de Nemours and Company
Reg. Ent. Ref. No.	RN100216035
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

CASE INFORMATION				
Enf./Case ID No.	35140	No. of Violations	5	
Docket No.	2007-2044-AIR-E	Order Type	1660	
Media Program(s)	Air	Enf. Coordinator	Aaron Houston	
Multi-Media		EC's Team	Enforcement Team 5	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 **\$12,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **145%** Enhancement Subtotals 2, 3, & 7 **\$18,125**

Notes

Penalty enhancement due to: thirty (30) NOV's for unrelated violations including twenty-four (24) self-reported violations, three (3) Agreed Orders containing a denial of liability, and one (1) Agreed Order without denial of liability.

Culpability

No

0% Enhancement

Subtotal 4 **\$0**

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5 **\$0**

Before NOV

NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent does not meet the good faith criteria.

0% Enhancement*

Subtotal 6 **\$0**Total EB Amounts **\$505**Approx. Cost of Compliance **\$4,500**

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal **\$30,625**

OTHER FACTORS AS JUSTICE MAY REQUIRE

0%

Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$30,625**

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty **\$30,625**

DEFERRAL

20%

Reduction

Adjustment **-\$6,125**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$24,500

Screening Date 20-Dec-2007

Docket No. 2007-2044-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 35140

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN100216035

Media [Statute] Air

Enf. Coordinator Aaron Houston

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	30	60%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 145%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Penalty enhancement due to: thirty (30) NOVs for unrelated violations including twenty-four (24) self-reported violations, three (3) Agreed Orders containing a denial of liability, and one (1) Agreed Order without denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 145%

Screening Date 20-Dec-2007

Docket No. 2007-2044-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 35140

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN100216035

Media [Statute] Air

Enf. Coordinator Aaron Houston

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 113.120, 115.112(a)(1), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), 40 Code of Federal Regulations ("40 CFR") § 63.120(d)(5), and Federal Operating Permit ("FOP") O-01960, General Terms and Conditions ("GTC"), Special Conditions ("SC") 1A, 1E, 4, and 19, New Source Review ("NSR") Permit 1743, SC 2, and 10

Violation Description

Failed to maintain the minimum water flow rate to scrubber ACR/ABS61. The required operating water flow was determined to be 2,440 pounds per hour ("lbs/hr"). From April 24, 2005 through July 22, 2005, water flow to scrubber fell below the required operating parameter of 2,440 lbs/hr for 103 hours, and from October 14, 2005 through November 16, 2005 for 7 hours.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential		x	

Percent 25%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

5

Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$135

Violation Final Penalty Total \$6,125

This violation Final Assessed Penalty (adjusted for limits) \$6,125

Economic Benefit Worksheet**Respondent** E. I. du Pont de Nemours and Company**Case ID No.** 35140**Reg. Ent. Reference No.** RN100216035**Media** Air**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$1,000	24-Apr-2005	30-Mar-2007	1.9	\$6	\$129	\$135
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to ensure required minimum water flow rate is maintained. Date required is the beginning date water flow fell below threshold requirements; final date is when ownership of the Plant was transferred to Lucite International, Inc.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs**Approx. Cost of Compliance**

\$1,000

TOTAL

\$135

Screening Date 20-Dec-2007

Docket No. 2007-2044-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 35140

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN100216035

Media [Statute] Air

Enf. Coordinator Aaron Houston

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 113.120, 115.112(a)(1), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), 40 CFR § 63.120(d)(5), and FOP O-01960, GTC, SC 1A,1E, 4, and 19, NSR Permit 1743, SC 2, and 10

Violation Description

Failed to maintain the minimum water flow rate to scrubber ACR/ABS156. The required operating water flow was determined to be 9,026 lbs/hr. From July 2 through July 22, 2005, water flow to scrubber fell below the required operating parameter of 9,026 lbs/hr for 24 hours, and from October 15, 2005 through November 17, 2005, for 6 hours.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

2 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$122

Violation Final Penalty Total \$6,125

This violation Final Assessed Penalty (adjusted for limits) \$6,125

Economic Benefit Worksheet**Respondent** E. I. du Pont de Nemours and Company**Case ID No.** 35140**Reg. Ent. Reference No.** RN100216035**Media** Air**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment	\$1,000	2-Jul-2005	30-Mar-2007	1.7	\$6	\$116	\$122
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to ensure required minimum water flow rate is maintained. Date required is the beginning date water flow fell below threshold requirements; final date is when ownership of the Plant was transferred to Lucite International, Inc.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs**Approx. Cost of Compliance**

\$1,000

TOTAL

\$122

Screening Date 20-Dec-2007

Docket No. 2007-2044-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 35140

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN100216035

Media [Statute] Air

Enf. Coordinator Aaron Houston

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 113.120, 115.112(a)(1), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), 40 CFR § 63.120(d)(5), and FOP O-01960, GTC, SC 1A,1E, 4, and 19, NSR Permit 1743, SC 2, and 10

Violation Description

Failed to maintain the minimum water flow rate to scrubber ACR/ABS159. The required operating water flow was determined to be 1,302 lbs/hr. From July 19 through July 20, 2005, water flow to scrubber fell below the required operating parameter of 1,302 lbs/hr for 2 hours, and from October 13 through October 14, 2005, for 4 hours.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$119

Violation Final Penalty Total \$6,125

This violation Final Assessed Penalty (adjusted for limits) \$6,125

Economic Benefit Worksheet**Respondent** E. I. du Pont de Nemours and Company**Case ID No.** 35140**Reg. Ent. Reference No.** RN100216035**Media Air****Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment	\$1,000	19-Jul-2005	30-Mar-2007	1.7	\$6	\$113	\$119
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to ensure required minimum water flow rate is maintained. Date required is the beginning date water flow fell below threshold requirements; final date is when ownership of the Plant was transferred to Lucite International, Inc.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs**Approx. Cost of Compliance**

\$1,000

TOTAL

\$119

Screening Date 20-Dec-2007

Docket No. 2007-2044-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 35140

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN100216035

Media [Statute] Air

Enf. Coordinator Aaron Houston

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 113.120, 115.112(a)(1), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), 40 CFR § 63.120(d)(5), and FOP O-01960, GTC, SC 1A,1E, 4, and 19, NSR Permit 1743, SC 2, and 10

Violation Description

Failed to maintain the minimum water flow rate to scrubber ACR/ABS2 16. The required operating water flow was determined to be 2,000 lbs/hr. From July 18 through July 19, 2005, water flow to scrubber fell below the required operating parameter of 2,000 lbs/hr for 11 hours.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$119

Violation Final Penalty Total \$6,125

This violation Final Assessed Penalty (adjusted for limits) \$6,125

Economic Benefit Worksheet

Respondent E. I. du Pont de Nemours and Company

Case ID No. 35140

Reg. Ent. Reference No. RN100216035

Media Air

Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment	\$1,000	18-Jul-2005	30-Mar-2007	1.7	\$6	\$113	\$119
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to ensure required minimum water flow rate is maintained; Date required is the beginning date water flow fell below threshold requirements; final date is when ownership of the Plant was transferred to Lucite International, Inc.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$119

Screening Date 20-Dec-2007

Docket No. 2007-2044-AIR-E

PCW

Respondent E. I. du Pont de Nemours and Company

Policy Revision 2 (September 2002)

Case ID No. 35140

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN100216035

Media [Statute] Air

Enf. Coordinator Aaron Houston

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4), and 122.145(2)(c), Tex. Health & Safety Code § 382.085(b), and FOP O-01950, GTC, and SC 2F

Violation Description Failed to submit a semi-annual deviation report ("SADR") for the period of September 22, 2005 through October 10, 2005 within 30 days after the end of the reporting period. The SADR was submitted to the TCEQ on April 10, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes

100% of the rule segment was not met.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

152 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$6,125

This violation Final Assessed Penalty (adjusted for limits) \$6,125

Economic Benefit Worksheet**Respondent** E. I. du Pont de Nemours and Company**Case ID No.** 35140**Reg. Ent. Reference No.** RN100216035**Media** Air**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	10-Nov-2005	10-Apr-2006	0.4	\$10	n/a	\$10

Notes for DELAYED costs

Estimated cost of submitting a SADR. Date required is the date the SADR was due; final date is the date the report was submitted.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs**Approx. Cost of Compliance**

\$500

TOTAL

\$10

Compliance History

Customer/Respondent/Owner-Operator:	CN600128284	E. I. du Pont de Nemours and Company	Classification: AVERAGE	Rating: 2.23
Regulated Entity:	RN100216035	DUPONT BEAUMONT WORKS INDUSTRIAL PARK	Classification: AVERAGE	Site Rating: 4.61
ID Number(s):				
	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0033C	
	AIR OPERATING PERMITS	PERMIT	1959	
	AIR OPERATING PERMITS	PERMIT	1960	
	AIR OPERATING PERMITS	PERMIT	1961	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008081101	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30010	
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50166	
	AIR NEW SOURCE PERMITS	PERMIT	16323	
	AIR NEW SOURCE PERMITS	PERMIT	18127	
	AIR NEW SOURCE PERMITS	PERMIT	24141	
	AIR NEW SOURCE PERMITS	PERMIT	29106	
	AIR NEW SOURCE PERMITS	PERMIT	29192	
	AIR NEW SOURCE PERMITS	PERMIT	31224	
	AIR NEW SOURCE PERMITS	PERMIT	31444	
	AIR NEW SOURCE PERMITS	PERMIT	36730	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0033C	
	AIR NEW SOURCE PERMITS	PERMIT	318	
	AIR NEW SOURCE PERMITS	PERMIT	1331	
	AIR NEW SOURCE PERMITS	PERMIT	1710	
	AIR NEW SOURCE PERMITS	PERMIT	1743	
	AIR NEW SOURCE PERMITS	PERMIT	1743A	
	AIR NEW SOURCE PERMITS	PERMIT	2053	
	AIR NEW SOURCE PERMITS	PERMIT	2324	
	AIR NEW SOURCE PERMITS	PERMIT	2340	
	AIR NEW SOURCE PERMITS	PERMIT	2672	
	AIR NEW SOURCE PERMITS	PERMIT	2796A	
	AIR NEW SOURCE PERMITS	PERMIT	3310	
	AIR NEW SOURCE PERMITS	PERMIT	3879	
	AIR NEW SOURCE PERMITS	PERMIT	4351	
	AIR NEW SOURCE PERMITS	PERMIT	4351A	
	AIR NEW SOURCE PERMITS	PERMIT	4704	
	AIR NEW SOURCE PERMITS	PERMIT	4752	
	AIR NEW SOURCE PERMITS	PERMIT	5310	
	AIR NEW SOURCE PERMITS	PERMIT	5777	
	AIR NEW SOURCE PERMITS	PERMIT	6183	
	AIR NEW SOURCE PERMITS	PERMIT	6301	
	AIR NEW SOURCE PERMITS	PERMIT	8106	
	AIR NEW SOURCE PERMITS	PERMIT	8143	
	AIR NEW SOURCE PERMITS	PERMIT	10013	
	AIR NEW SOURCE PERMITS	PERMIT	11844	
	AIR NEW SOURCE PERMITS	PERMIT	12208	
	AIR NEW SOURCE PERMITS	PERMIT	12368	
	AIR NEW SOURCE PERMITS	PERMIT	12835	
	AIR NEW SOURCE PERMITS	PERMIT	12888	
	AIR NEW SOURCE PERMITS	PERMIT	12894	
	AIR NEW SOURCE PERMITS	PERMIT	12895	
	AIR NEW SOURCE PERMITS	PERMIT	12896	
	AIR NEW SOURCE PERMITS	PERMIT	13542	
	AIR NEW SOURCE PERMITS	PERMIT	14020	
	AIR NEW SOURCE PERMITS	PERMIT	14134	
	AIR NEW SOURCE PERMITS	PERMIT	14489	
	AIR NEW SOURCE PERMITS	REGISTRATION	75823	
	AIR NEW SOURCE PERMITS	REGISTRATION	75778	
	AIR NEW SOURCE PERMITS	REGISTRATION	75676	
	AIR NEW SOURCE PERMITS	AFS NUM	4824500003	
	AIR NEW SOURCE PERMITS	REGISTRATION	71190	
	AIR NEW SOURCE PERMITS	REGISTRATION	71144	
	AIR NEW SOURCE PERMITS	PERMIT	52189	
	AIR NEW SOURCE PERMITS	PERMIT	54296	

AIR NEW SOURCE PERMITS	PERMIT	50568
AIR NEW SOURCE PERMITS	PERMIT	52358
AIR NEW SOURCE PERMITS	PERMIT	71369
AIR NEW SOURCE PERMITS	PERMIT	54705
AIR NEW SOURCE PERMITS	REGISTRATION	73587
AIR NEW SOURCE PERMITS	EPA ID	PSDTX753
UNDERGROUND INJECTION CONTROL	PERMIT	WDW100
UNDERGROUND INJECTION CONTROL	PERMIT	WDW101
UNDERGROUND INJECTION CONTROL	PERMIT	WDW188
UNDERGROUND INJECTION CONTROL	PERMIT	WDW388
UNDERGROUND INJECTION CONTROL	PERMIT	WDW389
UNDERGROUND INJECTION CONTROL	PERMIT	WDW390
UNDERGROUND INJECTION CONTROL	PERMIT	WDW391
WASTEWATER	PERMIT	WQ0000473000
WASTEWATER	EPA ID	TPDES0004669
WASTEWATER	PERMIT	TPDES0004669
WASTEWATER	PERMIT	TX0004669
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1230066
WATER LICENSING	LICENSE	1230066
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION #	30010
	(SWR)	
INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50166
POST CLOSURE		
INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50166
COMPLIANCE PLANS		

Location: 5470 N TWIN CITY HWY, NEDERLAND, TX, 77627 Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: December 18, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 18, 2002 to December 18, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Aaron T. Houston Phone: (409) 899-8784

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner? Lucite International, Inc.
4. If Yes, who was/were the prior owner(s)? E. I. du Pont de Nemours and Company
5. When did the change(s) in ownership occur? 30-Mar-07

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 10/10/2003

ADMINORDER 2002-1012-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.7(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the regional office prior to the shutdown/maintenance activity at the Acrylonitrile Unit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)(7)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the regional office the actions taken or being taken to correct a reportable upset at the Acrylonitrile Unit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1, PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.46b(e)(1)

Rqmt Prov: 2796A, Special Condition 12F PERMIT

Description: Failure to conduct valid stack sampling for nitrogen oxides ("NOx") on Boiler 7, Emission Point Number ("EPN") P&S-BLR7, within 60 days, but no later than 180 days after the initial start up of the Plant, which occurred in December 2002.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits PERMIT

Description: Failure to comply with permitted effluent limitations at Outfall 001A and 101A as documented on December 8, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: 1743, SPECIAL CONDITION 1 PERMIT

Description: Failure to maintain an emission rate within the allowable emission limits in the Maximum Allowable Emissions Rate Table ("MAERT") of the permit as documented on April 16, 2004, thru April 19, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: 1743 PERMIT

Description: Failure to maintain an emission rate within the allowable emission limits in the MAERT of the permit, as documented on July 22, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: 1743 PERMIT

Description: Failure to maintain an emission rate within the allowable emission limits in the MAERT of the permit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: 1 PERMIT

Operational Limitations 4 PERMIT

Description: Failure to maintain an emission rate within the allowable emission limits in the MAERT of the permit as documented on September 1, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Allowed unauthorized emissions from a dehydrating nitrogen line at the Aniline Unit on October 2, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

Rqmt Prov: 1743, Special Condition 1 PERMIT

Description: Allowed unauthorized emissions from an absorber vent (EPN ACR-VNT 51) at the acrylonitrile process area on December 27, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the regional office no later than 24 hrs after the discovery of a reportable upset at the Acrylonitrile Unit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Table 1A, Application Representations PERMIT

Description: Failure to prevent unauthorized emissions released at the Acrylonitrile Unit.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.100
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 18 PERMIT

Description: Failure to operate the Inside Battery Limits flare w/a pilot flame present at all times.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Effective Date: 05/12/2006

ADMINORDER 2005-1978-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1743 PERMIT

1743/Special Condition 4 PERMIT

Description: Failure to comply with emissions limits found in the Maximum Allowable Emissions Rate Table (MAERT) in TCEQ Permit 1743.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1743 PERMIT

1743/Special Conditions 4 PERMIT

Description: Failure to comply with emissions limits found in the Maximum Allowable Emissions Rate Table (MAERT) in TCEQ Permit 1743.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1743 PERMIT

1743/Special Condition 4 PERMIT

Description: Failure to comply with Special Condition 1 and the limits specified in the MAERT constitutes violations of 30 TAC 116.115(c) and 30 TAC 116.115(b)(2)(F).

Effective Date: 08/31/2007

ADMINORDER 2003-1371-MLM-E

Classification: Moderate

Effective Date: 11/09/2007

ADMINORDER 2007-0155-IHW-E

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 335, SubChapter A 335.4

Description: Failure to prevent an unauthorized discharge.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	12/30/2002	(157362)
2	01/09/2003	(18921)
3	01/10/2003	(286032)
4	01/30/2003	(157366)
5	01/30/2003	(23299)
6	01/30/2003	(23300)
7	01/30/2003	(23302)
8	02/17/2003	(25086)
9	03/03/2003	(157322)
10	03/03/2003	(157327)
11	03/27/2003	(25122)
12	03/27/2003	(25121)
13	04/04/2003	(28862)
14	04/07/2003	(157325)
15	04/13/2003	(31399)
16	04/13/2003	(31403)
17	04/13/2003	(31394)

18	05/08/2003	(157331)
19	05/29/2003	(157335)
20	06/26/2003	(35239)
21	07/01/2003	(134047)
22	07/01/2003	(134052)
23	07/01/2003	(133984)
24	07/01/2003	(157339)
25	07/01/2003	(157344)
26	07/01/2003	(134015)
27	07/01/2003	(134013)
28	07/01/2003	(134036)
29	07/02/2003	(112370)
30	07/16/2003	(134208)
31	07/16/2003	(134204)
32	07/16/2003	(134235)
33	07/16/2003	(134191)
34	07/16/2003	(134218)
35	08/13/2003	(38072)
36	08/15/2003	(148544)
37	08/15/2003	(148560)
38	08/19/2003	(148348)
39	08/20/2003	(148356)
40	08/20/2003	(149878)
41	08/25/2003	(149730)
42	08/26/2003	(295069)
43	08/28/2003	(152838)
44	08/28/2003	(152835)
45	08/28/2003	(152837)
46	08/28/2003	(152976)
47	09/05/2003	(144597)
48	09/30/2003	(295071)
49	10/16/2003	(251734)
50	10/16/2003	(251808)
51	10/16/2003	(251662)

52	10/16/2003	(251656)
53	10/16/2003	(251736)
54	10/16/2003	(251667)
55	10/16/2003	(251668)
56	10/16/2003	(251785)
57	10/16/2003	(251793)
58	10/17/2003	(251784)
59	10/29/2003	(253502)
60	10/29/2003	(253508)
61	10/29/2003	(252290)
62	10/30/2003	(295073)
63	11/06/2003	(248835)
64	12/02/2003	(295074)
65	12/02/2003	(295076)
66	12/08/2003	(255561)
67	12/08/2003	(255609)
68	12/18/2003	(257374)
69	12/18/2003	(257360)
70	12/18/2003	(257365)
71	01/05/2004	(295075)
72	01/08/2004	(280674)
73	01/10/2004	(257154)
74	01/30/2004	(260913)
75	01/30/2004	(261137)
76	02/13/2004	(262579)
77	02/25/2004	(262312)
78	03/03/2004	(295058)
79	03/29/2004	(295061)
80	03/30/2004	(266349)
81	04/08/2004	(264649)
82	04/16/2004	(265198)
83	04/27/2004	(295062)
84	05/19/2004	(270221)
85	05/19/2004	(270228)

86	05/19/2004	(272204)
87	05/19/2004	(270225)
88	05/19/2004	(272201)
89	05/19/2004	(272699)
90	06/01/2004	(295064)
91	06/11/2004	(269850)
92	06/28/2004	(295066)
93	06/28/2004	(351959)
94	08/30/2004	(351960)
95	08/31/2004	(262540)
96	09/02/2004	(285264)
97	09/23/2004	(291787)
98	09/23/2004	(290929)
99	09/23/2004	(290932)
100	09/23/2004	(290922)
101	09/28/2004	(351961)
102	10/06/2004	(334229)
103	10/29/2004	(351962)
104	12/03/2004	(351963)
105	12/06/2004	(341765)
106	12/15/2004	(342892)
107	12/22/2004	(341799)
108	01/03/2005	(381782)
109	01/04/2005	(344102)
110	01/06/2005	(345865)
111	01/25/2005	(381783)
112	02/25/2005	(347899)
113	03/02/2005	(381780)
114	03/04/2005	(348330)
115	03/04/2005	(372053)
116	03/29/2005	(381781)
117	04/25/2005	(377491)

118	04/25/2005	(377489)
119	04/27/2005	(419609)
120	04/28/2005	(378691)
121	05/24/2005	(380302)
122	05/31/2005	(419610)
123	05/31/2005	(419612)
124	06/13/2005	(377480)
125	06/13/2005	(267115)
126	06/28/2005	(419611)
127	07/13/2005	(398792)
128	07/14/2005	(397732)
129	07/27/2005	(398824)
130	07/27/2005	(398839)
131	07/27/2005	(400272)
132	08/30/2005	(440751)
133	08/30/2005	(398952)
134	08/30/2005	(398843)
135	08/30/2005	(398956)
136	08/31/2005	(349444)
137	10/18/2005	(440752)
138	10/21/2005	(419148)
139	11/08/2005	(419146)
140	11/15/2005	(435807)
141	11/16/2005	(468290)
142	11/22/2005	(436056)
143	11/22/2005	(436069)
144	11/22/2005	(438124)
145	11/23/2005	(435758)
146	12/12/2005	(468291)
147	01/10/2006	(468292)
148	02/15/2006	(468293)
149	02/23/2006	(454153)
150	02/27/2006	(453635)
151	03/02/2006	(468288)
152	03/29/2006	(498099)
153	04/17/2006	(462368)

154	04/18/2006	(439023)
155	05/01/2006	(498100)
156	05/12/2006	(465540)
157	05/16/2006	(465147)
158	05/16/2006	(461492)
159	05/26/2006	(498101)
160	06/08/2006	(465140)
161	06/08/2006	(461493)
162	06/09/2006	(464979)
163	06/23/2006	(481385)
164	06/23/2006	(483323)
165	06/27/2006	(498102)
166	06/27/2006	(498103)
167	07/20/2006	(484761)
168	07/20/2006	(481088)
169	08/23/2006	(486519)
170	08/23/2006	(486526)
171	08/23/2006	(486528)
172	08/25/2006	(520117)
173	08/30/2006	(487349)
174	08/31/2006	(449843)
175	08/31/2006	(438112)
176	08/31/2006	(497541)
177	08/31/2006	(463773)
178	08/31/2006	(509139)
179	09/25/2006	(520118)
180	10/25/2006	(520119)
181	10/30/2006	(511265)
182	11/08/2006	(518131)
183	11/10/2006	(518881)

184	11/15/2006	(515866)
185	11/17/2006	(513262)
186	11/21/2006	(544378)
187	12/19/2006	(531150)
188	12/20/2006	(514400)
189	12/22/2006	(544379)
190	12/29/2006	(344561)
191	01/24/2007	(544380)
192	01/25/2007	(537695)
193	01/30/2007	(538186)
194	02/12/2007	(539047)
195	02/23/2007	(544377)
196	03/23/2007	(575120)
197	04/12/2007	(543282)
198	04/12/2007	(543292)
199	04/12/2007	(543295)
200	04/25/2007	(555253)
201	04/25/2007	(557419)
202	04/25/2007	(575121)
203	04/25/2007	(557239)
204	05/11/2007	(559579)
205	05/25/2007	(575122)
206	06/13/2007	(559952)
207	06/18/2007	(563733)
208	06/20/2007	(560649)
209	06/22/2007	(575123)
210	07/13/2007	(563518)
211	07/20/2007	(575124)
212	08/24/2007	(607518)
213	08/29/2007	(567227)
214	09/10/2007	(466042)
215	09/17/2007	(572715)
216	09/25/2007	(607519)
217	10/03/2007	(596368)
218	10/19/2007	(573592)
219	10/23/2007	(607520)
220	11/05/2007	(594907)
221	11/07/2007	(518772)

222	12/14/2007	(597009)
223	12/17/2007	(599959)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date	02/28/2003	(157325)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	03/31/2003	(157331)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	04/07/2003	(28862)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.44(h)(1)(A)			
Description:	Failure to install the required backflow prevention assembly on the water line to a medical clinic.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)			
Description:	Failure to maintain the interior of the surface water treatment plant (the number 1 mix tank, the sedimentation basins, and the filters) and the interior of the ground storage tank.			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(4)			
Description:	Failure to have the monthly operating reports for January, February, and March 2002, signed by a certified water works operator.			
Self Report?	NO		Classification	Minor

Citation:	30 TAC Chapter 290, SubChapter D 290.42(d)(2)(E)		
Description:	Failure to provide an air gap on the filter-to-waste pipe.		
	During the investigation, it was noted that the filter-to-waste pipe emptied into a wet well controlled by a float valve.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(d)(10)(C)(iii)		
Description:	Failure to provide a theoretical detention time of at least two hours in the sludge-blanket clarifiers.		
Date	04/30/2003 (157335)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	06/30/2003 (157344)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	08/31/2003 (295071)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	11/06/2003 (248835)		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(d)(2)(E)		
Description:	Failure to provide an air gap on the filter-to-waste pipe.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(d)(10)(C)(iii)		
Description:	Failure to provide a theoretical detention time of at least two hours in the sludge-blanket clarifiers.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)		
Description:	Failure to maintain the interior of the surface water treatment plant (the number 1 mix tank, the sedimentation basins, and the filters) and the interior of the ground storage tank. This is a repeat violation from the February 18, 2003, investigation.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)		
Description:	Failure to maintain the system's facilities and equipment.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)		
Description:	Failure to maintain records of the dates that dead-end mains were flushed.		
Date	01/30/2004 (260913)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 113, SubChapter C 113.130 30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1) PA 1743 SC 13(E) PA 1743 SC 18		
Rqmt Prov:			
Description:	Failure to equip each open-ended valve or line with a cap, blind flange, plug, or second valve.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 113, SubChapter C 113.130 30 TAC Chapter 115, SubChapter D 115.356(2)(A) 30 TAC Chapter 115, SubChapter D 115.356(2)(B) 30 TAC Chapter 116, SubChapter B 116.115(c) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(1)(i) PA 1743 SC 18		
Rqmt Prov:			
Description:	Failure to include all equipment on a list of identification numbers for equipment subject to 40 CFR 63, Subpart H.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 113, SubChapter C 113.120 30 TAC Chapter 116, SubChapter B 116.115(c) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.149(a) PA 1743 SC 18		
Rqmt Prov:			
Description:	Failure to install a tightly fitting solid cover (TFSC) on drains.		
Self Report?	NO	Classification	Moderate

Citation:	30 TAC Chapter 113, SubChapter C 113.130 30 TAC Chapter 115, SubChapter D 115.354(7)(A) 30 TAC Chapter 116, SubChapter B 116.115(c) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(3)		
Rqmt Prov:	PA 1743 SC 13(K) PA 1743 SC 18		
Description:	Failure to monitor valves at least once during the semiannual monitoring period.		
Date	01/31/2004 (295058)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	03/31/2004 (295062)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	04/30/2004 (295064)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	05/31/2004 (295066)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	10/31/2004 (351963)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	12/31/2004 (381783)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	01/10/2005 (345865)		
Self Report?	NO	Classification	Moderate
Rqmt Prov:	PERMIT PC 2(g)		
Description:	Failure to contain wastewater from the acrylonitrile plant resulting in an unauthorized discharge.		
Self Report?	NO	Classification	Moderate
Rqmt Prov:	PERMIT PC 2(g)		
Description:	Failure to contain steam condensate resulting in an unauthorized discharge along Dock Road.		
Self Report?	NO	Classification	Moderate
Rqmt Prov:	PERMIT PC 2(g)		
Description:	Failure to contain steam condensate at the acrylonitrile dock in an unauthorized discharge.		
Self Report?	NO	Classification	Moderate
Rqmt Prov:	PERMIT PC 2(g)		
Description:	Failure to contain diesel and hydrocarbon resulting in an unauthorized discharge.		
Self Report?	NO	Classification	Minor
Rqmt Prov:	PERMIT M&RR		
Description:	Failure to report TSS 40% noncompliances to the TNRC within the required notification period.		
Self Report?	NO	Classification	Minor
Rqmt Prov:	PERMIT M&RR 2		
Description:	Failure to perform total chlorine residual analysis using approved test procedures specified in 30 TAC 319.11 - 319.12.		
Date	01/31/2005 (381780)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	02/28/2005 (381781)		

Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	05/31/2005 (419611)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	07/13/2005 (398792)		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(d)(2)(E)		
Description:	Failure to provide an air gap on the filter-to-waste pipe.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)		
Description:	Failure to maintain the interior of the surface water treatment plant (the number 1 mix tank, the sedimentation basins, and the filters) and the interior of the ground storage tank. This is a repeat violation from the February 18, 2003, investigation.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.42(d)(10)(C)(iii)		
Description:	Failure to provide a theoretical detention time of at least two hours in the solids contact (tube settler) clarifier.		
Date	10/31/2005 (468291)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	11/30/2005 (468292)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	12/31/2005 (468293)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	01/31/2006 (468288)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	02/28/2006 (498099)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	03/31/2006 (498100)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	05/31/2006 (498102)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	06/30/2006 (498103)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	07/21/2006 (481088)		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)		

	40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)		
	5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	OP O-01961		
	PA Permit 4351		
Description:	Failure to equip open-ended lines with a cap, blind flange, plug, or a second valve for lines in Volatile Organic Compound service.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
	30 TAC Chapter 122, SubChapter B 122.143(4)		
	40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.43b(f)		
	5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	OP O-01961		
	PA Permit 2796A		
Description:	Failure to conduct an alternate method of monitoring when the Continuous Emission Monitoring System (CEMS) of Nitrous Oxides at the Number 7 Boiler was malfunctioning.		
Date	10/31/2006 (544378)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	01/31/2007 (544377)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	03/31/2007 (575121)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	04/30/2007 (575122)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	05/11/2007 (559579)		
Self Report?	NO	Classification	Minor
Rqmt Prov:	PERMIT EL&MR 2		
Description:	Failure by Lucite to properly operate units of conveyance. On 03/21/2007, effluent pH was measured to be 9.06 SU at Outfall 008.		
Self Report?	NO	Classification	Minor
Rqmt Prov:	PERMIT OpR 1		
Description:	Failure by Lucite International to properly maintain units of treatment. On 03/21/2007, the Bio-Ox clarifier effluent weir was in poor condition, allowing short circuiting of the unit.		
Self Report?	NO	Classification	Moderate
Rqmt Prov:	PERMIT EL&MR 1, Outfall 101		
Description:	Failure by Lucite International to discharge domestic wastewater plant effluent compliant with the permitted single grab fecal coliform limitation of 800 colonies per 100 mls.		
Date	05/31/2007 (575123)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	06/14/2007 (559952)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
	30 TAC Chapter 122, SubChapter B 122.143(4)		
	5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	OP 1961, General Terms and Conditions		
	OP 1961, Special Terms and Conditions 16		
	PERMIT 4351, Special Condition 5.D.		
Description:	Failure to perform weekly calibrations for hydrogen concentration on a flare.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
	30 TAC Chapter 122, SubChapter B 122.143(4)		
	5C THC Chapter 382, SubChapter A 382.085(b)		

Rqmt Prov:	OP 1961, General Terms and Conditions OP 1961, Special Terms and Conditions 16 PERMIT 4351, Special Condition 5.D.		
Description:	Failure to maintain minimum natural gas flow to flare.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	OP 1961, General Terms and Conditions OP 1961, Special Terms and Conditions 16 PERMIT 4351, Special Condition 5.D.		
Description:	Failure to perform weekly calibration on natural gas flow meter of flare.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 117, SubChapter C 117.413(b) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	OP 1961, General Terms and Conditions OP 1961, Special Terms and Conditions 6.F.		
Description:	Failure to perform daily calibrations on a Continuous Emission Monitoring System (CEMS).		
Date	06/30/2007 (575124)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	09/30/2007 (607520)		
Self Report?	YES	Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	12/14/2007 (597215)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 113, SubChapter C 113.100 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Part 63, Subpart A 63.11(b)(5) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP O-01960 General Terms and Conditions OP FOP O-01960, Special Condition 19 OP FOP O-01960, Special Condition 1A PERMIT NSR Permit 1743, Special Condition 2 PERMIT NSR Permit 1743, Special Condition 9		
Description:	Failure to operate Flare ACR/FLR57 with a pilot flame present at all times.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 115, SubChapter B 115.112(a)(1) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP O-01960 General Terms and Conditions		
	OP FOP O-01960, Special Condition 19 OP FOP O-01960, Special Condition 4 PERMIT NSR Permit 1743, Special Condition 13		
Description:	Failure to maintain the water flow to scrubber ACR/ABS59.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP O-01960 General Terms and Conditions OP FOP O-01960, Special Condition 19 PERMIT NSR Permit 1743, Special Condition 15		
Description:	Failure to perform the Second and Fourth Quarter 2005 CGAs of ACR/INC60.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 113, SubChapter C 113.130 30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP O-01960 General Terms and Conditions OP FOP O-01960, Special Condition 19 OP FOP O-01960, Special Condition 1E PERMIT NSR Permit 1743, Special Condition 16E		

Description:	PERMIT NSR Permit 1743, Special Condition 2		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP O-01960 General Terms and Conditions OP FOP O-01960, Special Condition 19 PERMIT NSR Permit 318, Special Condition 5		
Description:	Failure to perform Audio, Visual and Olfactory (AVO) inspections for Ammonia (NH3) leaks in EPN AMM/FDKAMB once per twelve hour shift.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 113, SubChapter C 113.120 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Part 63, Subpart G 63.118(f)(1)		
Rqmt Prov:	OP FOP O-01960 General Terms and Conditions OP FOP O-01960, Special Condition 19 PERMIT NSR Permit 1743, Special Condition 2		
Description:	Failure to include all daily averages of measured parameters in the HON Periodic Report for the period of October 11, 2005 through April 10, 2006.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 115, SubChapter B 115.112(a)(1) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP O-01960 General Terms and Conditions OP FOP O-01960, Special Condition 19 OP FOP O-01960, Special Condition 4 PERMIT NSR Permit 1743, Special Condition 10		
Description:	Failure to maintain the water flow to scrubber ACR/ABS219.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP O-01960 General Terms and Conditions OP FOP O-01960, Special Condition 19 PERMIT NSR Permit 1743, Special Condition 12		
Description:	Failure to maintain the operating parameter of the Oxygen concentration and to continuously monitor the Oxygen concentration of the Unit ACR/INC60.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b)		
Rqmt Prov:	OP FOP O-01960 General Terms and Conditions OP FOP O-01960, Special Condition 19 PERMIT NSR Permit 1743, Special Condition 8C		
Description:	Failure to maintain the operating temperature of Vapor Combustor Unit ACR/VC51.		

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
E. I. DU PONT DE NEMOURS AND
COMPANY
RN100216035**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-2044-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding E. I. du Pont de Nemours and Company ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent formerly owned and operated a chemical plant at 5470 North Twin City Highway in Nederland, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in the TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about December 19, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Thirty Thousand Six Hundred Twenty-Five Dollars (\$30,625) is assessed by the Commission in settlement of the violation alleged in Section II ("Allegations"). The Respondent has paid Twenty-Four Thousand Five Hundred Dollars (\$24,500) of the administrative penalty and Six Thousand One Hundred Twenty-Five Dollars (\$6,125) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with

all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent transferred operational control of the Plant to Lucite International, Inc. on December 1, 2005, and ownership of the Plant to Lucite International, Inc. on March 30, 2007.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As the former owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to maintain minimum water flow rate to scrubber ACR/ABS61, in violation of 30 TEX. ADMIN. CODE §§ 113.120, 115.112(a)(1), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CODE OF FEDERAL REGULATIONS ("40 CFR") § 63.120(d)(5), and Federal Operating Permit ("FOP") O-01960, General Terms and Conditions ("GTC"), Special Conditions ("SC") 1A, 1E, 4, and 19, New Source Review ("NSR") Permit 1743, SC 2, and 10, as documented during an investigation conducted on November 5, 2007. The required operating water flow was determined to be 2,440 pounds per hour ("lbs/hr"). From April 24, 2005 through July 22, 2005, water flow to scrubber fell below the required operating parameter of 2,440 lbs/hr for 103 hours, and from October 14, 2005 through November 16, 2005 for 7 hours.
2. Failed to maintain minimum water flow rate to scrubber ACR/ABS156, in violation of 30 TEX. ADMIN. CODE §§ 113.120, 115.112(a)(1), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CFR § 63.120(d)(5), and FOP O-01960, GTC, SC 1A, 1E, 4, and 19, NSR Permit 1743, SC 2, and 10, as documented during an investigation conducted on November 5, 2007. The required operating water flow was determined to be 9,026 lbs/hr. From July 2 through July 22, 2005, water flow to scrubber fell below the required operating parameter of 9,026 lbs/hr for 24 hours, and from October 15, 2005 through November 17, 2005, for 6 hours.

3. Failed to maintain minimum water flow rate to scrubber ACR/ABS159, in violation of 30 TEX. ADMIN. CODE §§ 113.120, 115.112(a)(1), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CFR § 63.120(d)(5), and FOP O-01960, GTC, SC 1A, 1E, 4, and 19, NSR Permit 1743, SC 2, and 10, as documented during an investigation conducted on November 5, 2007. The required operating water flow was determined to be 1,302 lbs/hr. From July 19 through July 20, 2005, water flow to scrubber fell below the required operating parameter of 1,302 lbs/hr for 2 hours, and from October 13 through October 14, 2005, for 4 hours.
4. Failed to maintain minimum water flow rate to scrubber ACR/ABS216, in violation of 30 TEX. ADMIN. CODE §§ 113.120, 115.112(a)(1), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), 40 CFR § 63.120(d)(5), and FOP O-01960, GTC, SC 1A, 1E, 4, and 19, NSR Permit 1743, SC 2, and 10, as documented during an investigation conducted on November 5, 2007. The required operating water flow was determined to be 2,000 lbs/hr. From July 18 through July 19, 2005, water flow to scrubber fell below the required operating parameter of 2,000 lbs/hr for 11 hours.
5. Failed to submit a semi-annual deviation report for the period of September 22, 2005 through October 10, 2005 within 30 days after the end of the reporting period, in violation of, 30 TEX. ADMIN. CODE §§ 122.143(4), and 122.145(2)(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP O-01950, GTC, and SC 2F, as documented during an investigation conducted on November 5, 2007.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: E.I. du Pont de Nemours and Company, Docket No. 2007-2044-AIR-E " to:

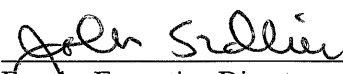
Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.

3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

6/30/2008
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

7-18-08
Date

Thomas C Davis
Name (Printed or typed)
Authorized Representative of
E. I. du Pont de Nemours and Company

Unit Plant Manager
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

